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10/728,119

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Philip G. Wessells

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EXAMINER

COLILLA, DANIEL JAMES

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/728,119

Applicant(s)

WESSELLS ET AL.

Examiner

Daniel J. Colilla

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20041008.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: **1505** as mentioned on page 19, line 21 of the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the extractor using an air pressure differential (as recited in claim 6) and the extractor using electrostatic charge differential (as recited in claim 7) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Note, while Figures 20 and 22 depict the desired result of extractors using air pressure and charge differentials respectively, the actual structure used for achieving these results is not shown.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: “media supply path” (as recited in claim 1), “control logic” (as recited in claims 1 and 18-19), “electrostatic charge differential” (as recited in claim 7) and “voice-to-print” (as recited in claim 19).

4. The disclosure is objected to because of the following informalities: on page 19, reference numeral 1315 is used in line 1 in association with “a pad receiving area” and on line 3, it used in association with the “extractor.”

Appropriate correction is required.

Claim Objections

5. Claims 2-3, 5 and 11-12 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 1 is directed towards an image transfer apparatus that is used with a pad of a plurality of laminar elements. It is noted, however, that applicant is not claiming the plurality of elements as part of the invention.

Therefore, claims 2-3 which do not further limit the image transfer apparatus, but instead, only recite structure of the plurality of laminar elements. Thus claims 2-3 fail to further limit the invention.

With respect to claim 5, applicant has not recited any further structure whatsoever. Instead applicant has recited a state of the laminar element. As mentioned above the plurality of laminar elements are not part of the recited invention. Additionally, since the claim is directed towards an apparatus, structure must be recited to further limit the claim. See MPEP § 2114.

In claim 11, line 1, it appears that --the-- or --said-- should come before, “pad.”

In claim 12, lines 2-3, "said first laminar element" has no proper antecedent basis in the claims. Applicant has not used the term "first laminar element" previously in the claims.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With respect to claim 1, support for the media supply path in an image transfer engine could not be found in the specification. No mention of a media supply path could be found whatsoever, and it is not clear how the image transfer engine could have such a path.

With respect to claim 6, support for an air pressure differential to separate individual laminar elements could not be found in the specification. Figure 20 appears to show a pad of sheets with individual sheets separated by air, however, no particular structure is disclosed that would cause the pressure differential and extract the sheet from the pad.

With respect to claim 7, support for an extractor using an electrostatic charge differential to separate individual laminar elements could not be found in the specification. Figure 22

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appears to show a pad of sheets with individual sheets carrying charges, however, no particular structure is disclosed that would charge the sheets in this manner and extract the sheet.

With respect to claim 18, support for a handwriting recognition function for control logic could not be found in the specification. Paragraph [54] of applicant's specification discloses that system 1100 has handwriting recognition and that it may create legible text from the user's handwriting, but there is nothing about "control logic." It is noted that applicant may have intended the statement, "it may recognize directives/commands for initiating scripts." However, in this statement, "it" is referring to "system 1100" and not, "hand writing."

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, applicant states that the image transfer engine has a media supply path. It is not clear how the image transfer engine can have a supply path when it does not appear that any media ever passes through the image transfer engine. Rather it appears that the media supply path adapted for a pad of a plurality of laminar elements is used with the image transfer engine, *and for purposes of examination this limitation will be interpreted as such.*

Claim 19 is vague and indefinite because it is not clear what the phrase "voice-to-print function for said control logic" is intended to mean. The term "voice-to-print" suggests that the

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representations of the vocalizations are actually printed. However, “for control logic” suggests that applicant intends to mean that the apparatus recognizes vocal commands to control the apparatus.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-5 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Saka (JP 9-58073).

With respect to claim 1, Saka discloses an image transfer apparatus having a media supply path for pad 10 represented by the double-headed arrow in Figure 4 of Saka, a RAM 102 and ROM 103 and a processor CPU 101 which inherently uses control logic to operate as all computer processor do (see, paragraph [0019] of the machine translation of Saka). The CPU 101 is connected to the memory as shown in Figure 7 of Saka. Paragraphs [0020] and [0023] of the machine translation of Saka disclose that the CPU 101 is used for printing an image in the memory onto a pad 10 comprised of laminar elements (sheet 12 laminated with adhesive 11 as disclosed in paragraph [0010] of the machine translation of Saka).

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With respect to claims 2-3, applicant has not recited any further structure of the image transfer apparatus in these claims and therefore they are rejected along with their parent claim (claim 1).

With respect to claim 4, Saka discloses a user as an extractor for separating an individual laminar element 12 from the pad (paragraph [0028] of the machine translation).

With respect to claim 5, applicant has not recited any further structure in this claim, therefore it is rejected along with its parent claim (claim 4).

With respect to claim 11, Saka discloses that pad 10 is located in an orientation that exposes one of the laminar elements outside of the printer as shown in Figure 4 of Saka.

With respect to claim 12, as mentioned above with respect to claim 4, Saka discloses an extractor which can be used to select a second laminar element after a first laminar element has been extracted.

12. Claims 1, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamaguchi et al. (US 2001/0017441).

With respect to claim 1, Yamaguchi et al. discloses an image transfer apparatus including an image transfer engine 5. Although not explicitly recited, a media supply path is inherent in the system. Yamaguchi et al. discloses a paper bin 14 that holds a stack of sheets P. The stack of sheets must have traveled a path in order to get in the bin. Additionally, also not explicitly recited are a memory and a control logic. Some type of memory is inherent in an image transfer apparatus as disclosed by Yamaguchi since it must electronically store the image in order for the image transfer engine to print the image. Furthermore, a control logic is necessary to control the

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image transfer apparatus as a whole, including the memory, since the image must be transferred to the image transfer engine 5 from the memory in an orderly manner. The phrase, “adapted for a pad of a plurality of laminar elements” is a statement of intended use. While Yamaguchi et al. does not disclose this pad, the apparatus has the capability to be used with such a pad.

With respect to claim 4, Yamaguchi et al. discloses an extractor 15,16 which could be used to separate an individual laminar element of a pad.

With respect to claim 6, the extractor 15,16 uses an air pressure differential as describe in paragraph [0048] of Yamaguchi et al.

13. Claims 1, 4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukube (US 5,503,384).

With respect to claim 1, Fukube discloses an iamge transfer apparatus that can be a laser printer or similar image forming device as disclosed in col. 1, lines 10-14. A laser beam printer prints digitally stored images and therefore a memory and a control logic coupled to the memory would be inherent in the apparatus as would an image transfer engine (the laser and/or drum which contacts the print media to transfer the image). Figure 1 of Fukube shows a stack of media supply. While Fukube does not explicitly disclose a media supply path, the stack of media 1 must have traveled a path to be in the position shown in Figure 1 of Fukube. The phrase, “adapted for a pad of a plurality of laminar elements” is a statement of intended use. While Fukube does not disclose this pad, the apparatus has the capability to be used with such a pad.

With respect to claim 4, Fukube discloses an extractor 101,102,103 which separates individual sheets 1a from the stack 1 as shown in Figures 4A-4F of Fukube.

With respect to claim 7, the extractor 101,102,103 uses an electrostatic charge differential as mentioned in col. 4, lines 26-33 of Fukube.

14. Claims 1, 4, 8-9 and 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Ono (US 6,718,875).

With respect to claim 1, Ono discloses an image transfer apparatus with an image transfer engine 37. In col. 5, lines 1-12, Ono discloses apparatus 10 for automatically exposing a printing plate and a section 14 for exposing the printing plate 12 imagewise by irradiating an image forming layer of the printing plate 12 with a laser beam. While not explicitly mentioned a memory with a control logic coupled to the memory would be inherent in order to control this system. The memory is required for storing the image to be exposed using the laser and control logic would be required to automatically expose the printing plate using the laser beam. In Figure 1, Ono shows a cassette that stores a stack of plates 12. The phrase, "adapted for a pad of a plurality of laminar elements" is a statement of intended use. While Ono does not disclose this pad, the apparatus has the capability to be used with such a pad.

With respect to claim 4, Ono discloses an extractor 42 which separates individual plates 12 from the stack as shown in Figure 1 of Ono.

With respect to claim 8, the extractor 42 includes a moving element 94 which contacts and bows the plate 12 as shown in Figure 1 of Ono.

With respect to claim 9, the moving element 94 rotates as shown in Figure 1 of Ono.

With respect to claim 13, Ono discloses a cartridge 38 in which printing plates 12 are registered. This cartridge is also capable of registering a pad.

With respect to claim 14, cartridge 38 is a movable drawer since it is slidable out of the base 40 in which the plates 12 are exposed to the extractor and into retraction space 48 (see Ono, col. 7, lines 1-8, Figures 11A,11B).

15. Claims 1, 4 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Mayer et al. (US 4,776,575).

With respect to claim 1, Mayer et al. discloses an image transfer apparatus with an image transfer engine which is inherent in an electrophotographic copy machine (col. 1, lines 7-11) in order to transfer an image to a sheet. While not explicitly mentioned a memory with a control logic coupled to the memory would be inherent in order to control this system. The memory is required for storing the image to be transferred and control logic would be required to control the feeding of the sheet with the transfer of the image. Mayer et al. shows a stack of media 19 aligned against a fence 28. While not explicitly disclosed the stack of media 19 must have taken some path to be in the copy machine. The phrase, “adapted for a pad of a plurality of laminar elements” is a statement of intended use. While Mayer et al. does not disclose this pad, the apparatus has the capability to be used with such a pad.

With respect to claim 4, Mayer et al. discloses an extractor 10 which separates individual sheets 19 from the stack as shown in Figures 1B and 1C of Mayer et al.

With respect to claim 10, the extractor 10 includes a movable wedge shaped member with a tacking region 22 as shown in Figures 1B and 1C of Mayer et al.

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16. Claims 1 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Oda et al. (JP 4-144770).

With respect to claim 1, Oda et al. discloses an image transfer apparatus including an image transfer engine 10. A media supply path is inherent since the print media must have traveled some path to be inside the media containing part 2d. While not explicitly mentioned a memory with a control logic coupled to the memory would be inherent in order to control this system. The memory is required for storing the image to be transferred and control logic would be required to control the feeding of the sheet with the transfer of the image. The phrase, “adapted for a pad of a plurality of laminar elements” is a statement of intended use. While Oda et al. does not disclose this pad, the apparatus has the capability to be used with such a pad.

With respect to claim 15, Oda et al. discloses a movable member 1 having a closed position as shown in Figure 1 of Oda et al. and an open position as shown in Figure 4 of Oda et al. The print media 12 is exposed in the open position as shown in Figure 4 of Oda et al.

17. Claims 1,16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Yasui (US 5,583,783).

With respect to claim 1, Yasui discloses an image transfer apparatus including a memory 108, an image transfer engine 25 and a control logic 102 coupled to the memory as shown in Figure 5 of Yasui. While Yasui does not explicitly disclose a media supply path, the media 3 inherently must have traveled a path to be located in the image transfer apparatus as shown in Figure 2 of Yasui. The phrase, “adapted for a pad of a plurality of laminar elements” is a

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statement of intended use. While Yasui does not disclose this pad, the apparatus has the capability to be used with such a pad.

With respect to claim 16, Yasui discloses a display 5 for displaying the image to be transferred (Yasui, col. 3, lines 34-46).

With respect to claim 17, the display is interactive with a member 4 to modify the image to be transferred (Yasui, col. 3, lines 13-23).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yasui (US 5,583,783) as applied to claims 1,16 and 17 above, and further in view of Aizawa et al. (JP 10-39984).

Yasui discloses the claimed image transfer apparatus except for the handwriting recognition function. However, Aizawa et al. discloses an image transfer apparatus that is capable of, “stably performing handwriting input with respect to an information processor provided with a printer and a handwriting input device” (Aizawa et al., English abstract, “Problem to be Solved”). It would have been obvious to combine the teaching of Aizawa et al. with the image transfer apparatus disclosed by Yasui for the miniaturized input unit and for the elimination of complicated input operation (see Derwent English abstract, “ADVANTAGE”).

20. Claims 19, 22, 23, 25 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saka (JP 9-58073) as applied to claims 1-5 and 11-12 above, and further in view of Young (US 6,411,315).

With respect to claim 19, Saka discloses the claimed image transfer apparatus except for the voice-to-print function (note in this claim “voice-to-print” is being interpreted as representations of vocalizations are actually printed). However, Young discloses an image transfer apparatus in which textual information can be entered by voice recognition (Young, col. 4, lines 44-46). It would have been obvious to combine the teaching of Young with the image transfer apparatus disclosed by Saka for the ease of only needing to speak information to be entered rather than entering the information manually.

With respect to claim 22, the apparatus described above, with respect to claim 19, could be used to perform the steps of receiving a voice input at a pad transfer system and responding to the voice input.

With respect to claim 23, Young discloses image transfer method in which voice recognition is used to receive a voice input and convert that input into image text for transfer (Young, col. 4, lines 44-46).

With respect to claim 25, Saka in view of Young discloses the recited method as mentioned above with respect to claims 19 and 22. Additionally, such a combination of apparatus which inherently must be run by a computer program of some sort since image transfer apparatus operate using image data files and voice recognition systems operate using audio data

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files. Thus the combination would result in an obvious combination of software or computer readable medium carrying instructions.

With respect to claim 26, this method is disclosed as mentioned above with respect to claim 23.

With respect to claim 27, this method is disclosed as mentioned above with respect to claim 24.

21. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saka (JP 9-58073) as applied to claims 1-5 and 11-12 above, and further in view of Shimizu (JP 2001312391).

With respect to claims 20-21, Saka discloses the claimed image transfer apparatus except for the first communications device and a second communications device. However, Shimizu teaches an image transfer apparatus 109 which communicates with PDA 101 through a communications device 102 which communicates with a server 103 and a second communications device 107 attached to an image transfer apparatus 109 as shown in Figure 1 of Shimizu. While not explicitly recited, the printer 109 must inherently have a memory that communicates with the communications devices 102 and 107 in order for it to retain the information that it is to print. It would have been obvious to combine the teaching of Shimizu with the image transfer apparatus disclosed by Saka for the advantage of allowing a mobile device such as a PDA, that cannot print on its own, to cause an email attachment to be printed at a remote location.

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22. Claims 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saka (JP 9-58073) in view of Kaplan (US 2001/0048832).

With respect to claims 22 and 24 Saka discloses an image transfer method that includes the step of receiving an input from keyboard 5 (see paragraph [0021] of the English translation of Saka) and responds to the input in order to control the image transfer apparatus. Saka does not disclose receiving a voice input and responding to a voice input. However, Kaplan teaches controlling an image transfer apparatus 16 by using a voice recognition means for carrying out actions such as identifying data for selection or selecting data (Kaplan, paragraph [0026], lines 10-14). It would have been obvious to combine the teaching of Kaplan with the image transfer apparatus method by Saka for the ease of only needing to speak information to be entered rather than entering the information manually.

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fair is cited to show an example of a media feeding apparatus which feeds sheets from a pad.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Colilla whose telephone number is (571)272-2157. The examiner can normally be reached Mon.-Thur. between 7:30 am and 6:00 pm. Faxes regarding this application can be sent to (703)872 - 9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached at (571)272-2168. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 8, 2004

A handwritten signature in black ink, appearing to read "Daniel J. Colilla", written in a cursive style.

Daniel J. Colilla
Primary Examiner
Art Unit 2854